

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
FOR THE FOURTH CIRCUIT  
Richmond, VA (03/24/2015 - 03/26/2015 Session)

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14-1208	<a href="#">Briefs</a>	CIVIL: Whether denial of fiduciary duty claim based on contract language proper; relevance of parties' conduct for agency analysis.
Petr Bocek v. JGA Associates, LLC ( Hilton )		
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14-1098	<a href="#">Briefs</a>	CIVIL PROCEDURE: Whether the district court erred denying the Fed. R. Civ. P. 50 motion; related issues.
Robert Donnert v. Feld Entertainment, Inc. ( Ellis )		
Associations:	14-1147	
<hr/>		
14-1383	<a href="#">Briefs</a>	INSURANCE: Whether joint obligations clause of insurance contract precludes coverage for negligent, non-criminal acts of insured, due to intentional criminal acts of another.
Allstate Indemnity Company v. AmyMelissa ( Childs )		

PANEL I  
Red Courtroom (Room 412)  
9:30 a.m.

Tuesday, March 24, 2015

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13-7200	<a href="#">Briefs</a>	CIVIL COMMITMENT: Whether the district court erred in denying Luce's request for appointment of a guardian ad litem; related issues.
US v. David Luce ( Flanagan )		
<hr/>		
13-2474	<a href="#">Briefs</a>	IMMIGRATION: Propriety of transferring to district court U.S. citizen's claims pertaining to Board of Immigration Appeals' order relevant to adjudication of I-130 petition.
Ashton LeBlanc v. Eric Holder, Jr.		
<hr/>		
14-1748	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether district court erred in granting summary judgment for defendant in section 1983 action alleging "state created danger"; other issues.
Doe 2 v. John Rosa ( Gergel )		
Associations: 14-1749		
<hr/>		
		PANEL II Butzner Courtroom 201 9:30 a.m.
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14-1385	<a href="#">Briefs</a>	BANKRUPTCY: When did meeting of creditors adjourn where trustee continued the meeting but failed to state the date and time of the continued meeting?
Matthew Jenkins v. James Ward, Sr. ( Conrad )		

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14-6411	<a href="#">Briefs</a>	CIVIL RIGHTS: Whether material issues of fact existed on prisoner's RLUIPA and due process claims.
Lumumba Incumaa v. Bryan Stirling ( Norton )		

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13-2005	<a href="#">Briefs</a>	IMMIGRATION: Whether agency erred in finding petitioner removable as an aggravated felon based on his conviction for sexual abuse of a minor.
Richard Amos v. Eric Holder, Jr. Associations: 14-1633		

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Tan Courtroom (Room 223)  
9:30 a.m.

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10-6929	<a href="#">Briefs</a>	CRIMINAL: Whether Newbold is entitled to postconviction relief on ACCA sentence ("serious drug offense") under United States v. Simmons.
US v. Joseph Newbold ( Schroeder )		
<hr/>		
13-1695	<a href="#">Briefs</a>	CIVIL: Whether district court's order is a final, appealable order, whether attorney fees may be awarded as costs under Fed. R. Civ. P. 41(d).
Stella Andrews v. America's Living Centers, LLC ( Reidinger )		
<hr/>		
14-1396	<a href="#">Briefs</a>	INSURANCE: Whether district court properly construed exclusions in insurance policy in determining that the insurer had a duty to defend insured against some asserted claims.
Medical Mutual Insurance Co v. Image Guided ( Turk )		

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Tweed Courtroom (Room 414-D)  
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14-6229	<a href="#">Briefs</a>	CIVIL RIGHTS: Propriety of grant of summary judgment on plaintiff's failure-to-protect Eighth Amendment claim, arising from inmate's murder of another inmate.
Kim Strickland v. John Jabe ( Jones )		
<hr/>		
14-1406	<a href="#">Briefs</a>	CIVIL: Propriety of district court's dismissal of claims for breach of seal requirements of the False Claims Act; other issues.
Brian Smith v. Clark/Smoot/Russell ( Titus )		
<hr/>		
14-1427	<a href="#">Briefs</a>	COPYRIGHT: Whether the district court erred in applying the substantial similarity test for copyright infringement at the motion to dismiss stage; related issues.
Devin Copeland v. Justin Bieber ( Allen )		
Associations: 14-1653		

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Gold Courtroom (Room 348)  
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14-1568	<a href="#">Briefs</a>	TRADEMARK LAW: Whether plaintiffs' use of NAACP trademarks constituted trademark infringement; whether tarnishment of the trademarks is excepted from statutory bar against trademark dilution.
The Radiance Foundation, Inc. v. NAACP ( Jackson )		
<hr/>		
13-4633	<a href="#">Briefs</a>	CRIMINAL: Numerous issues arising in drug conspiracy prosecution; denial of motions to suppress; evidentiary rulings; contact with jurors; firearm enhancement.
US v. Francisco Barahona ( Titus )		
Associations: 13-4637, 13-4822		
<hr/>		
14-4211	<a href="#">Briefs</a>	CRIMINAL: Whether North Carolina conviction for second-degree rape qualifies as crime of violence under USSG section 4B1.2; other issues.
US v. Aaron Shell ( Voorhees )		

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Red Courtroom (Room 412)  
9:30 a.m.

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14-1724	<a href="#">Briefs</a>	CONSUMER LAW: Whether district court properly dismissed putative class action alleging false and misleading advertisement of dietary supplements containing glucosamine and chondroitin.
In re: GNC Corp. ( Motz )		

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14-4798	<a href="#">Briefs</a>	CRIMINAL LAW: Challenge to rulings limiting or excluding certain evidence proffered by the government in trial for health care fraud.
US v. Amir A. Bajoghli ( Lee )		

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14-1698	<a href="#">Briefs</a>	LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT: Whether worker who receives benefits for permanent partial disability is entitled to any additional compensation for wage earning capacity.
Huntington Ingalls Industries v. Ricky Eason		

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Butzner Courtroom 201  
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14-1021	<a href="#">Briefs</a>	CIVIL: Whether appeals from denial of intervention are mooted by voluntary dismissal with prejudice in underlying action.
Karen Foster v. John Wynne ( Moon )		
Associations: 14-1022		

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14-1331	<a href="#">Briefs</a>	IMMIGRATION: Whether substantial evidence supports the determination that alien failed to establish a well-founded fear of persecution on account of her proposed particular social group; other issues.
Maydai Hernandez-Avalos v. Eric Holder, Jr.		

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14-1651	<a href="#">Briefs</a>	CONSTITUTIONAL LAW: Whether S.C. robocall statutes are a content based restriction on speech, impermissibly compel speech, or are unconstitutionally vague; other issues.
Robert Cahaly v. Paul LaRosa, III ( Childs )		
Associations: 14-1680		

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Tan Courtroom (Room 223)  
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13-4133	<a href="#">Briefs</a>	CRIMINAL: Multiple issues in eight-day drug conspiracy trial, including admission of wiretap evidence, speedy trial, and jury instructions.
US v. Xavier Eccleston ( Williams )		
14-1565	<a href="#">Briefs</a>	SOCIAL SECURITY: Whether substantial evidence supports ALJ's decision to afford limited weight to treating psychiatrist's opinion regarding claimant's mental residual function capacity; other issues. 15 mins. per side.
Lisa Dunn v. Carolyn Colvin ( Gibney )		
14-1227	<a href="#">Briefs</a>	CONTRACTS: Propriety of summary judgment, motion in limine; other issues.
Certain Underwriters v. Max Cohen ( Schulze )		

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Tweed Courtroom (Room 414-D)  
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13-7841 US v. Wesley Foote ( Tilley )	<a href="#">Briefs</a>	CRIMINAL: Whether challenge to sentence in light of United States v. Simmons is cognizable in timely 28 U.S.C. section 2255 motion.
13-6956 Stoney Lester v. Eric Wilson ( O'Grady )	<a href="#">Briefs</a>	HABEAS CORPUS: Whether prisoner who previously filed section 2255 motion may utilize section 2241 to challenge career offender classification under Sentencing Guidelines.
14-4599 US v. Anthony Wynn ( Jackson )	<a href="#">Briefs</a>	CRIMINAL: Whether simple possession of marijuana is properly categorized as a Grade B or Grade C supervised release violation.

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PANEL V  
Gold Courtroom (Room 348)  
9:30 a.m.

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13-0009 [Briefs](#)  
US v. Brandon Basham  
( Anderson )

HABEAS CORPUS: Numerous issues arising out of federal capital murder conviction and sentencing.

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14-1825 [Briefs](#)  
Bruce Goldfarb v. Mayor & City Council  
( Bennett )

RESOURCE CONSERVATION AND RECOVERY ACT: Whether the complaint set forth sufficient claims under the RCRA; whether the anti-duplication provision of the Act precludes relief; other issues.

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14-1945 [Briefs](#)  
Stephen Kolbe v. Martin O'Malley  
( Blake )

CONSTITUTIONAL LAW: Appeal from district court's ruling sustaining constitutionality of Maryland Firearm Safety Act of 2013.

PANEL VI  
Blue Courtroom (Room 339)  
9:30 a.m.

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13-4784	<a href="#">Briefs</a>	CRIMINAL: Whether Hill's failure to enter conditional guilty plea deprives this court of jurisdiction over his appeal of denial of motion to suppress.
US v. Antonio Hill ( Williams )		

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14-4136	<a href="#">Briefs</a>	CRIMINAL: Whether district court abused its discretion in handling of request for mental health services or in protection of certain classified information.
US v. Robert Patrick Hoffman, II ( Doumar )		

PANEL I  
Red Courtroom (Room 412)  
8:30 a.m.

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13-4936      [Briefs](#)  
US v. James Spires, III  
( Bredar )

SENTENCING: Whether sentence was reasonable in light of district court's explanation and method of determining variance;  
other issues.

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13-7239      [Briefs](#)  
Zachary Chesser v. Barbara Chesser  
( O'Grady )

CIVIL: Whether district court improperly dismissed complaint as frivolous and improperly denied leave to file amended  
complaint.

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Butzner Courtroom 201  
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13-1859 [Briefs](#)

Richard Bilheimer v. Federal Express  
( Anderson )

ERISA: Proper judicial review standard for benefit denial; whether claimant disabled under plan.

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14-1799 [Briefs](#)

Chorley Enterprises, Inc. v. Dickey's Barbecue  
( Grimm )

ARBITRATION: Did district court err in failing to compel arbitration of common law claims; did district court err in finding ambiguity in agreements; other issues.

Associations: 14-1800, 14-1833, 14-1834

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13-4491 [Briefs](#)

US v. Savino Braxton  
( Bennett )

CRIMINAL LAW: Whether the district court violated Rule 11(c)(1) by improperly inserting itself in plea negotiations; other issues.

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14-4244 [Briefs](#)

US v. Gerson Aplicano-Oyuela  
( Messitte )

CRIMINAL: Whether imposition of three-year term of supervised release on removable alien was unreasonable in light of USSG section 5D1.1(c).

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14-1382	<a href="#">Briefs</a>	CIVIL: Whether district court erred in concluding claims arising under diversity jurisdiction were barred by res judicata.
Grayson Hare, Jr. v. Shirley Simpson ( Motz )		

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14-1654	<a href="#">Briefs</a>	CONTRACT: Whether district court erred in granting summary judgment on finding no breach of contract, damages, or breach of confidentiality agreement.
Hanwha Azdel, Inc. v. C&D Zodiac, Inc. ( Moon )		

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Gold Courtroom (Room 348)  
8:30 a.m.

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